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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,854	12/29/2003	Russell F. McKnight	P1506US01	2761
24333 7590 04/06/2007 GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER ALVESTEFFER, STEPHEN D	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			04/06/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/747,854	Applicant(s) MCKNIGHT ET AL.	
	Examiner Stephen Alvesteffer	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten initials

DETAILED ACTION

This application is a continuation of application number 09/415,656, issued as patent number 6,670,974. Claims 1-47 are presented for examination. Claims 1, 11, 21, 31, and 41 are independent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-20 recite "a program of instructions **storable** on a medium readable by an information handling system" (emphasis added). As recited in the claims, the "medium" is not made part of the invention and therefore the claim language recites computer programs representing computer listings per se, which is not statutory subject matter (see MPEP 2106.01).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-17, 20-27, 30-37, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Hocker et al. (hereinafter Hocker), United States Patent number 5,943,678.

Regarding claim 1, Hocker teaches a method of generating a persistent usage context, comprising monitoring usage of an information handling system (general purpose computer system) (see column 2 line 26); generating a first representation corresponding to a first item of usage; generating a second representation corresponding to a second item of usage (see Abstract); communicating an association of the first representation to the second representation so as to enable a determination of at least one of prior usage and current usage of an information handling system (see column 5 lines 9-32).

In Hocker, the first and second representations are represented by icons (see Abstract lines 5-6) or the content of the files themselves. The first and second items of usage are represented in Hocker as usage of files, applications, and databases (see Abstract lines 10-11). Two or more representations of data can be seen in association with one another showing prior usage and current usage when viewing the data in the "virtual time tunnel" (VTT) (see column 5 lines 9-32).

Regarding claim 2, Hocker teaches storing the first representation and second representation (see Abstract lines 7-9).

Regarding claim 3, Hocker teaches that at least one of the first stored representation and second representation may be accessed after termination of at least one of the first item of usage and the second item of usage (see column 1 lines 55-57).

Regarding claim 4, Hocker teaches that at least one of the first representation and second representation is capable of accessing at least one of a first item of usage and second item of usage (see column 2 lines 45-50).

Regarding claim 5, Hocker teaches that at least one of the first representation and second representation is interactive with at least one of the first item of usage and the second item of usage. In Hocker, when an icon representing a usage is dragged to the VTT icon, the prior usage is shown (see column 2 lines 45-50). The act of dragging the representation to show usage makes the representation interactive with the usage.

Regarding claim 6, Hocker teaches that the first representation includes as a part thereof the second representation. In Hocker's Virtual Time Tunnel, users can see several representations of the data displayed together along the walls of the tunnel (see column 5 lines 9-32).

Regarding claim 7, Hocker teaches that the association includes at least one of chronological mapping, organization scheme, spatial relationship, shared usage, and term of usage (see column 5 lines 9-32). The virtual time tunnel (VTT) of Hocker shows a chronological mapping.

Regarding claim 10, Hocker teaches that at least one of the first item of usage and second item of usage includes at least one of browsing the World Wide Web, printing, scanning for viruses, word processing, utilizing spreadsheets, utilizing a database, enabling an operating system, accessing a network, network applications, graphics usage, utilization of devices, and data manipulation. Hocker's invention keeps track of the usage of files, applications, and databases (see Abstract lines 8-9).

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Claims 11-17 and 20 recite a program of instructions that perform substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 11-17 and 20 are rejected under the same rationale.

Claims 21-27 and 30 recite an information handling system that performs substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 21-27 and 30 are rejected under the same rationale.

Claims 33-37 and 40 recite an information handling system that performs substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 31-37 and 40 are rejected under the same rationale.

Claims 41-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauersfeld et al. (hereinafter Bauersfeld), United States Patent number 6,195,679.

Regarding claim 41, Bauersfeld teaches a method of generating a persistent usage context, comprising monitoring navigation of a resource during a first navigation session to obtain navigation data (see Abstract lines 1-3); storing navigation data pertaining to the first navigation session (see column 1 lines 10-13); initiating a second navigation session of at least one of the first resource and a second resource (see column 2 lines 13-18); loading stored data in at least one of the first resource and second resource during the second navigation session so as to enable the utilization of stored first navigation data during the second navigation session (see column 2 lines 13-18).

Regarding claim 42, Bauersfeld teaches that at least one of the first resource and the second resource includes at least one of a web browser (network browser) and operating system (see column 1 lines 9-10).

Regarding claim 43, Bauersfeld teaches that the utilization of the stored first navigation data during the second navigation session includes at least one of a forward and backward button (see column 3 lines 51-59).

Regarding claim 44, Bauersfeld teaches that the storing step includes storing the first navigation data in a format (see column 3 lines 66-67) so as to be capable of being selectively accessed (see column 4 line 5).

Regarding claim 45, Bauersfeld teaches that the storing step includes a user defined identification (see column 3 lines 60-65).

Regarding claim 46, Bauersfeld teaches that the stored first navigation data includes the utilization of navigation functions of at least one of the first resource and second resource (see column 3 lines 51-59 and Figure 6).

Regarding claim 47, Bauersfeld teaches that the navigation functions include at least one of forward button, a backward button, a favorites list, a bookmark, and a history list of resources accessed (see column 3 lines 51-59 and Figure 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 18-19, 28-29, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hocker in view of Schwartz et al. (hereinafter Schwartz), United States Patent number 5,047,918.

Hocker teaches all the elements of claim 8, but is silent on the subject of searching the data. Schwartz teaches the step of searching data relating to at least one of the first representation (first data file) and second representation (second data file) (see Abstract lines 5-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schwartz' teachings on searching data with the invention of Hocker in order to provide users with capability to search the data.

Hocker teaches all the elements of claim 9, but is silent on the subject of searching the data. Schwartz teaches that the search is performed by at least one of type, topic, size, time taken for usage, time usage performed, user defined criteria, and name (see column 5 lines 16-20). It would have been obvious to one of ordinary skill at the time the invention was made to combine Schwartz' teachings on searching data with the invention of Hocker in order to provide users with capability to search the data.

Claims 18-19 recite a program of instructions that perform substantially the same steps as the method of claims 8-9. Therefore, claims 18-19 are rejected under the same rationale.

Claims 28-29 recite an information handling system that performs substantially the same steps as the method of claims 8-9. Therefore, claims 28-29 are rejected under the same rationale.

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Claims 38-39 recite an information handling system that performs substantially the same steps as the method of claims 8-9. Therefore, claims 38-39 are rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 10:30AM-7:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2173




4-2-2007



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173